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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
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| 10/648,581 | 08/25/2003 | David B. Udy | 20857.NP | 4094 |
| 759 | 90 03/15/2005 | | EXAMINER NOVOSAD, IENNIFER ELEANORE | |
| Starkweather & | | | | |
| 9035 South 1306 Suite 200 | U East | | ART UNIT | PAPER NUMBER |
| Sandy, UT 840 | 094 | DOCKETED | 3634 | |
| | | 03 18 05 | DATE MAILED: 03/15/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary 10/648,581 | | , | Application No. | Applicant(s) | _J |
|--|--|---|--|---|------------------|
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears and the cover aftered with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Considers of the rely be enabled under the professor of 3 CFR 1.136(a), find or event, however, may a rely be 6 femally filled. If it is professor to rely specified used is less a ten Micro (policy) and a cover a period of the rely to specified above, it is not event (professor of 10 cm) and the rely to specified above. The maintening patient of the contraction of 10 cm and the maintening of the rely to specified above. The maintening patient of the communication is professor and the communication of 10 cm and the relation of the rely of the professor of the communication of 10 cm and the relation of the rely of the professor of 10 cm and the relation of the relation is in condition for allowence except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(a) 1.37 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ○ Claim(a) is/are allowed. 5) ○ Claim(a) is/are allowed. 6) ○ Claim(b) is/are allowed. 7) ○ Claim(a) is/are objected to by the Examiner. Application Papers 9) ○ The drawing(e) filed on is/are: allowed. Replacement drawing election is objected to by the Examiner. Application Papers 9) ○ The drawing(e) filed on is/are: allowed. 10) ○ The drawing(e) filed on is/are: allowed. 11) ○ Claim(a) is/are: allowed. 12) ○ Acknowledgment is made of a claim for foreign priority | ^/ | <i>'</i> | | | • |
| Jannifer E. Novosad 3834 | Office Action Summa | ~ | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Control of them typ to exclude under the protection of 37 CFR 1.136(a), in no event, however, may a reply the finely fled all statistics and the social protection of the major address of the communication. For the protection of the major address of the communication and the statistics of the protection of the protectio | · Onto Action ognima | , , | • | | |
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| THE MAILING DATE OF THIS COMMUNICATION. Consider of time rely to evaluate under the proclation of 3 (7PR 1.13(a), in no event, however, may a reply to simply their shed SX(8) MO(NTS from the mailing date of this communication. If the profice or exply specified above is has are thin (CO) days, a major yethin the stancery releases under 18 (1) (2015). Failure to reply within the set of a standard part of the communication of the standard part of the communication is communication. Failure to reply with the set of each of the standard part of the communication to become ABANDORED (38 U.S.C. § 131). All replaces the standard part of the standard part of the mailing date of this communication, even if stretch the standard part of the communication. The standard part of the sta | | midnesuon appaa | | in no constablishing and | 1629 - |
| Status 1 Responsive to communication(s) filed on 25 August 2003. | THE MAILING DATE OF THIS COM Extensions of time may be available under the pro- efter SIX (6) MONTHS from the mailing date of the If the period for reply expecified above is less than- If NO period for reply is specified above, the manu- Failure to reply within the set or extended period if Any reply received by the Office later than three in | MUNICATION. ovisions of 37 CFR 1.186(a is communication. thiny (30) days, a reply wit mum statutory period wit, for reply will, by statute, ca nontris after the mailing da | a). In no event, however, may a n thin the statutory minimum of thin apply and will expire SIX (6) MON use the application to become AB | aply be timely filed by (30) days will be considered timely. ITHS from the mailing date of this committee that the committee of the committee | · munication. |
| 1)⊠ Responsive to communication(s) filed on 25 August 2003. 2e) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for ellowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-37 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to . See 37 CFR 1.85(s). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) Paper Nots/Mail Cate | · | | | | |
| 4) Claim(s) 1-37 is/are pending in the application. 4a) Of the above claim(s) | 1) Responsive to communication (2a) This action is FINAL. 3) Since this application is in cond | 2b) This addition for allowance | tion is non-final. except for formal matte | | ierīts is |
| 4) | Disposition of Claims | | | | |
| 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4) Claim(s) 1-37 is/are pending in 4a) Of the above claim(s) 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected | is/are withdrawn | | · • | |
| 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Application Papers | | | | |
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| 3) Information Disclosure Statement(s) (PTO-1449 of PTO/Sts/08) Paper No(s)/Mail Date S. Palent and Trademun Office PTOL-326 (Rev. 1-04) Office Action Summary Part of Paper No./Mail Date 20050307 | 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Rev. 3) Information Disclosure Statement(s) (PTO-14 Paper No(a)/Mail Date S. Palent and Tradement Office | 149 or PTO/\$8/08) | Paper No(s 5) Notice of In 6) Other: | VMail Date formal Patent Application (PTO-1: | |

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DETAILED ACTION

Election/Restriction

This application contains claims directed to the following patentably distinct species of the claimed invention: (i) Figures 1-5; and (ii) Figure 6.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. *Currently*, no claims are deemed to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872.

The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tennifer E. Novosad Primary Examiner Art Unit 3634

Jennifer E. Novosad/jen March 7, 2005